

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections:

Amend sections: 3591.15

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2017-1010-01

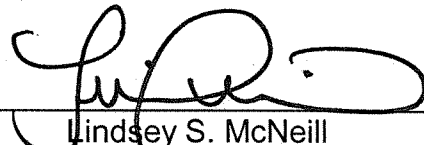
OAL Matter Type: Emergency (E)

This emergency regulatory action by the Department of Food and Agriculture amends section 3591.15 of title 3 of the California Code of Regulations to add Santa Clara County as an eradication area for melon fruit fly, *Bactrocera cucurbitae*.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 10/16/2017 and will expire on 4/17/2018. The Certificate of Compliance for this action is due no later than 4/16/2018.

Date: October 16, 2017



Lindsey S. McNeill
Attorney

**For: Debra M. Cornez
Director**

**Original: Karen Ross
Copy: Rachel Avila**

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

| | | | |
|------------------|---------------------------------|--------------------------|--|
| OAL FILE NUMBERS | NOTICE FILE NUMBER Z- | REGULATORY ACTION NUMBER | EMERGENCY NUMBER 2017-1010-01E |
|------------------|---------------------------------|--------------------------|--|

For use by Office of Administrative Law (OAL) only

2017 OCT 10 A 10:16

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED - FILED

In the office of the Secretary of State
of the State of California

OCT. 16 2017

1:54 pm

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
Department of Food and Agriculture

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | |
|--|--|--------------------------|------------------------|-------------------------------|
| 1. SUBJECT OF NOTICE | | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other | | 4. AGENCY CONTACT PERSON | TELEPHONE NUMBER | FAX NUMBER (Optional) |
| OAL USE ONLY | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER | PUBLICATION DATE |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

| | |
|--|--|
| 1a. SUBJECT OF REGULATION(S) Melon Fruit Fly Eradication Area | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) |
|--|--|

| | |
|---|---------|
| 2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related) | ADOPT |
| SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) | AMEND |
| | 3591.15 |
| TITLE(S) | REPEAL |
| 3 | |

| | | | |
|--|--|--|--|
| 3. TYPE OF FILING | | | |
| <input type="checkbox"/> Regular Rulemaking (Gov. Code § 11346) | <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§ 11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. | <input type="checkbox"/> Emergency Readopt (Gov. Code, § 11346.1(h)) | <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) |
| <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§ 11349.3, 11349.4) | | <input type="checkbox"/> File & Print | <input type="checkbox"/> Print Only |
| <input checked="" type="checkbox"/> Emergency (Gov. Code, § 11346.1(b)) | <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1) | <input type="checkbox"/> Other (Specify) _____ | |

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, § 44 and Gov. Code § 11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, § 100)


| | | | |
|--|---|--|--|
| <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code § 11343.4(a)) | <input checked="" type="checkbox"/> Effective on filing with Secretary of State | <input type="checkbox"/> \$100 Changes Without Regulatory Effect | <input type="checkbox"/> Effective other (Specify) _____ |
|--|---|--|--|

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

| | | |
|---|--|---|
| <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM § 6660) | <input type="checkbox"/> Fair Political Practices Commission | <input type="checkbox"/> State Fire Marshal |
| <input type="checkbox"/> Other (Specify) _____ | | |

| | | | |
|-----------------------------------|----------------------------------|-----------------------|---|
| 7. CONTACT PERSON Rachel Avila | TELEPHONE NUMBER 916-403-6813 | FAX NUMBER (Optional) | E-MAIL ADDRESS (Optional) Rachel.Avila@cdfa.ca.gov |
|-----------------------------------|----------------------------------|-----------------------|---|

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

| | |
|--|-----------------|
| SIGNATURE OF AGENCY HEAD OR DESIGNEE  | DATE 10/9/17 |
| TYPED NAME AND TITLE OF SIGNATORY Robert Wynn, Statewide Coordinator, Pierce's Disease Control Program | |

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

OCT 16 2017

Office of Administrative Law

Amend the following section:

Section 3591.15. Melon Fruit Fly Eradication Area.

(a) Proclamation of Eradication Area. That portion of the State of California described as follows, within which the melon fruit fly, *Bactrocera cucurbitae*, is known to exist, is hereby proclaimed to be an eradication area with respect to said pest, and as such it is amendable to the provisions of Article 4 (Sections 5761, 5762, 5763 and 5764) of Chapter 8, Part 1, Division 4 of the Food and Agricultural Code of California.

(1) The counties of Fresno, Kern, Los Angeles, and Riverside, and Santa Clara.

(b) [no change]

(c) [no change]

Note: Authority cited: Sections 407 and 5322, Food and Agricultural Code. Reference: Sections 5761, 5762, 5763 and 5764, Food and Agricultural Code.